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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,542	06/28/2001	Makoto Honda	210298US2S	5183
22850	7590	09/17/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			PARTON, KEVIN S	
			ART UNIT	PAPER NUMBER
			2153	

DATE MAILED: 09/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,542

Applicant(s)

HONDA, MAKOTO

Examiner

Kevin Parton

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-8 and 12-17 is/are allowed.
- 6) ☒ Claim(s) 1,2,9-11 and 18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/10/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 9-11, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by McLlroy et al (USPN 6,701,521).
3. Regarding claims 1 and 2 McLlroy et al (USPN 6,701,521) teaches a system using a server to distribute an application to a client via a network, wherein a client transmits to the server a request to download an application including a platform type for the client and stores the application transmitted from the server in an application storage area the server comprising:
 - a. An application storage section comprising a prepared module group (column 12, lines 30-33) and a link information table storing link information for linking these modules as executable objects for respective platforms (column 13, lines 57-60). Please note that the library is a link table describing how components are to be linked into applications.

- b. A download request acceptance section configured to accept a request to download the application from the client (figure 10A, element 1040).
Note that receiving the specification at the software manager is the request receipt.
 - c. An application generation section configured to determine the platform type included in a download request accepted by the download request acceptance section, reference the link information table, and generate an executable object for the application (figure 11; column 13, lines 53-60).
 - d. An application transmission section configured to transmit the executable object generated by the application generation section to the client (figure 13, element 1250).
- 4. Regarding claim 9, McLlroy et al (USPN 6,701,521) teaches a system using a server to distribute an application to a client via a network, wherein a client transmits to the server a download request including a function request of the application and stored the application transmitted from the server in an application storage area the application comprises a module group including modules having the same module interface and different functions (column 13, lines 57-60), the server comprising:
 - a. An application storage section comprising the module group (column 12, lines 30-33) and a link information table storing link information for linking these modules as executable objects compliant with an application function request from the client (column 13, lines 57-60).

Please note that the library is a link table describing how components are to be linked into applications.

- b. A download request acceptance section configured to accept a request to download the application from the client (figure 10A, element 1040).

Note that receiving the specification at the software manager is the request receipt.

- c. An application generation section configured to determine the application function request included in a download request accepted by the download request acceptance section, reference the link information table, and generate an executable object for the application (figure 11; column 13, lines 53-60).

- d. An application transmission section configured to transmit the executable object generated by the application generation section to the client (figure 13, element 1250).

5. Regarding claim 10, McLlroy et al (USPN 6,701,521) teaches a system in which a client transmits to a server a request to download an application including a platform type for the client via a network and stores the application transmitted from the server in an application storage area, the function including:

- a. A download request acceptance function configured to accept a request to download the application from the client (figure 10A, element 1040). Note that receiving the specification at the software manager is the request receipt.

- b. An application generation function configured to determine the platform type included in an accepted download request, reference a link information table storing link information for linking a prepared module group as an executable object for each platform, and generate an executable object for the application (figure 11; column 13, lines 53-60).
 - c. An application transmission function configured to transmit the generated executable object to the client (figure 13, element 1250).
- 6. Regarding claim 11, McLlroy et al (USPN 6,701,521) teaches a system in which a client transmits to a server a request to download an application including a platform type for the client via a network and stores the application transmitted from the server in an application storage area, the function including:
 - a. A download request acceptance function configured to accept a request to download the application from the client (figure 10A, element 1040). Note that receiving the specification at the software manager is the request receipt.
 - b. An application generation function configured to determine a type of the platform based on a network address of the client, reference a link information table storing link information for linking a prepared module group as an executable object for each platform, and generate an executable object for the application (figure 11; column 13, lines 53-60).

- c. An application transmission function configured to transmit the generated executable object to the client (figure 13, element 1250).
- 7. Regarding claim 18, McLlroy et al (USPN 6,701,521) teaches a system in which a client transmits to a server a request to download an application including a platform type for the client via a network and stores the application transmitted from the server in an application storage area, the function including:
 - a. The application comprises a module group including modules having the same module interface and different functions (column 13, lines 57-60).
 - b. A download request acceptance function configured to accept a request to download the application from the client (figure 10A, element 1040). Note that receiving the specification at the software manager is the request receipt.
 - c. An application generation function configured to determine an application function request included in an accepted download request, reference a link information table and generate an executable object for the application (figure 11; column 13, lines 53-60).
 - d. An application transmission function configured to transmit the generated executable object to the client (figure 13, element 1250).

Allowable Subject Matter

- 8. Claims 3-8 and 12-17 are allowed.
- 9. The following is an examiner's statement of reasons for allowance:

- a. Claims 5, 6, 14, and 15 are allowable because no prior art, either alone or in combination, teaches all the limitations of these claims.

Specifically, no prior art teaches the utilization of a first and second module wherein the second module executes on the server and may be executed as a substitute for the module downloaded to the client.

References such as McLlroy et al (USPN 6,701,521) teach the downloading of applications from a server but do not address in any way this substitutive execution.

- b. Claims 3, 7, 12, and 16 are allowable because no prior art, either alone or in combination, teaches all the limitations of these claims.

Specifically, no prior art teaches the determination of a platform type of a first device (client) by a second device (application server) based solely on the address of a third device (intermediate relay server) utilized by the first device. While it is common to determine platform between two communicating entities (client and server, for example) no prior art teaches this use of the address of an intermediate device for determining the platform of a client. References such as McLlroy et al (USPN 6,701,521) teach the downloading of applications from a server but do not address in any way this method of platform determination.

- c. Claims 4, 8, 13, and 17 are allowable because no prior art, either alone or in combination, teaches all the limitations of these claims.

Specifically, no prior art teaches the determination of a platform type based on the request's incoming port. References such as McLlroy et al (USPN 6,701,521) teach the downloading of applications from a server but do not address in any way this method of platform determination.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see the following:

- a. Parthasarathy et al. (USPN 6,347,398)
- b. Shafer et al. (USPN 6,766,366)
- c. Leymann et al. (USPN 6,615,265)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (703)306-0543. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703)305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2153

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin Parton
Examiner
Art Unit 2153


FRANTZ B. JEAN
PRIMARY EXAMINER